

1 David W. Dow (SBA #007377)
The Law Offices of David W. Dow
2 3104 E. Camelback #281
Phoenix, Arizona 85016
3 602-550-2951
Ddowlaw1@gmail.com
4 Attorney for Plaintiffs
5
6

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF ARIZONA**
9

10 Charles Cornfield, Benjamin Robert
Flynn, Alexander J. Goodwin, Bernard
11 Linser, Matthew Mansfield, Patrick
Murphy, William J. O'Hayer, and
12 Matthew V. Parker,

13 Plaintiffs,

14 v.

15 Arizona Board of Regents, a body politic
and agency of the State of Arizona,
16 Michael Thompson, James Hardina, and
Louis Scichilone,
17

18 Defendants.
19

Case No. 2:16-cv-00924-PHX-ROS

**THIRD AMENDED COMPLAINT
AND JURY TRIAL DEMAND**

20 Plaintiffs Charles Cornfield ("Cornfield"), Benjamin Robert Flynn, ("Flynn"),
21 Alexander J. Goodwin ("Goodwin"), Bernard Linser ("Linser"), Matthew Mansfield
22 ("Mansfield"), Patrick Murphy ("Murphy"), William J. O'Hayer ("O'Hayer"), and
23 Matthew V. Parker ("Parker"), by and through their undersigned counsel, submit
24 and file this Third Amended Complaint pursuant to Federal Rules of Civil Procedure
25
26

1 (“FRCP”), Rule 15(a) and the Orders filed on July 21, 2016 (dkt. #21) dismissing
2 the Second Amended Complaint with leave to file an Amended Complaint and on
3 July 29, 2016 (dkt. #23) extending the date for the filing of the (Third) Amended
4 Complaint until August 25, 2016.

6 **Note re LRCiv 15.1:** In response to the Court’s ruling that the Second
7 Amended Complaint had numerous pleading under FRCP Rule 8 and the
8 U.S. Supreme Court decisions in the *Twombly* and *Iqbal* cases, undersigned
9 counsel obtained the services of a more experienced employment law
10 practitioner who determined that it would be pointless to modify the Second
11 Amended Complaint by the LRCiv. 15.1 process because the entire pleading
12 should be drafted “from the ground up” and that a redlined version would
13 consist of the entire Second Amended Complaint with redline cross out
14 followed by the new Third Amended Complaint (“TAC”) with no markings.
15 This TAC contains fewer Defendants and fewer claims and specifies as to
16 each claim who the Plaintiff(s) is, what relief is sought under what legal
17 theory, against which specific Defendant(s). This TAC was drafted "from
18 scratch" by the undersigned and is not simply the FAC with minor strikeouts
19 and insertions.

21
22 **1. Parties, Jurisdiction and Venue**

23 1. The Plaintiffs, **Cornfield, Flynn, Goodwin, Linser, Mansfield, Murphy,**
24 **O’Hayer, and Parker** are all citizens of the United States of America and residents
25 of the State of Arizona.
26

1
2 2. The Defendant, Arizona Board of Regents (“ABOR”) is, and has been at
3 all times material to this Complaint:

4 (A) a political subdivision of the State of Arizona and a body politic;

5 (B) the jural entity which owns, governs and operates the public universities
6 of the State of Arizona, including the Arizona State University (“ASU”) with
7 campuses in Maricopa County, pursuant to A.R.S. 15-1601, 15-1625, and 15-1626;

8 (C) the owner and operator of its “Arizona State University Police
9 Department” whose police officers are entitled to the protections of the Police
10 Officers Bill of Rights, A.R.S. 38-1101 et seq, and are not at-will employees
11 pursuant to A.Q.R.S. 38-1103(A) and A.R.S. 41-745(C), and ASU Staff Personnel
12 Manual, sections 202, 809, and 1101;

13 (D) the “employer” of the Plaintiffs as defined by 29 U.S.C. 794(d) and
14 A.R.S. 41-1461(6) (a); and

15 (E) engaged in a “program or activity” as that term is defined and used in 29
16 U.S.C. 794(b)(1) and 29 U.S.C. 794(b)(2)(A), because ABOR received and used
17 Federal financial assistance provided by the government of the United States for
18 academic research, and for law enforcement and public safety functions carried out
19 by the Arizona State University Police Department (“ASU PD”). 3. At all times
20 material to this Complaint, the Plaintiffs were employed by ABOR as police officers
21 by ASU PD the and

22 (a) “employees” as defined and used in A.R.S. 41-1461(5)(a);

23 (b) “employees” as defined and used in A.R.S. 41-1461(5)(a); and

24 (c) “law enforcement officers” as defined in used in A.R.S. 38-1101(8)(a).

25 4. All claims set forth herein arise under federal statutes and therefore this
26

1 Court has subject jurisdiction pursuant to 28 U.S.C. 1331, except for the two claims
2 specified in paragraphs 6 and 7 infra.

3 5. All events alleged herein occurred within Maricopa County, Arizona and
4 therefore the Phoenix division of the United States District for Arizona has
5 jurisdiction and is the proper venue pursuant to 28 U.S.C. 1391(b)(1,2).

6 6. Plaintiff Cornfield has one claim against ABOR for age discrimination in
7 violation of the Arizona Civil Rights Act, A.R.S. 41-1463(B)(1) and 41-1481. This
8 claim is factually related to the other federal claims in this action and therefore this
9 Court has supplemental jurisdiction pursuant to 28 U.S.C. 1367(a).

10 7. Plaintiff Parker has one claim for against ABOR for two violations of the
11 Arizona Public Records Act, A.R.S. 39-121 et seq. This claim is factually related to
12 the other federal claims in this action and therefore this Court has supplemental
13 jurisdiction pursuant to 28 U.S.C. 1367(a).

14 8. The individual Defendants herein were all working in their capacities as
15 officers of the ASUPD and acting under color of law when the events alleged herein
16 occurred.

17 **2. Fact Allegation In Support Of Claims**

18
19 9. Plaintiff **Murphy** is a 22 year veteran law enforcement officer and was
20 hired in 2002, by the ASU PD as a lateral police officer, ascending to the rank of
21 Sergeant.

22
23 10. **Murphy** retired on March 31, 2015. When he retired, he told then ASU
24 PD Police Chief Thompson (Defendant Michael Thompson) and then Assistant
25 Chief Hardina (Defendant James Hardina) that he wanted to purchase from the ASU
26

1 PD his Glock service pistol, as provided for by A.R.S. 38-1115 and the customary
2 practice of the ASU PD. Both Thompson and Hardina flatly refused this request for
3 no lawful purpose other than retaliation against **Murphy** because **Murphy** had
4 exercised his right to free speech with his repeated and continuing complaints
5 (whistleblowing) to his ASU PD superiors about inadequate training to assure public
6 safety and the safety of the police officers, and being ordered to engage in
7 unwarranted and baseless internal investigations and further being told what
8 outcomes or determinations he should reach in such “investigations”, which
9 retaliation also violated his constitutional right to equal protection since other non-
10 whistleblower police officers were allowed to purchase their service pistols upon
11 retirement.
12

13
14
15 11. Murphy’s whistleblowing was well known to both Thompson and Hardina
16 at the time his request to purchase the Glock was refused.
17

18 12. As the direct and proximate result of such refusal, **Murphy** has suffered
19 emotional distress, inconvenience, and lost the use of the Glock weapon he was
20 comfortable using when necessary.
21

22 13. **O’Hayer** suffered an on-the-job injury that left his right arm disabled to
23 the point where he could no longer safely use a firearm, and received workers
24 compensation benefits.
25
26

1 13. **O'Hayer** returned to work at the ASU PD after workers compensation
2 leave, and worked for two months between April, 2014 and June 20, 2014.

3 14. **O'Hayer**'s injury forced him to retire from the ASU PD on June 20, 1014.

4 15. During the period that **O'Hayer** worked for the ASUPD in 2014, he was
5 subject to discrimination based upon his disability and to retaliation for having
6 become disabled and sought reasonable accommodations so he could perform his
7 job. This on-the-job discrimination and retaliation was known and condoned by
8 **O'Hayer**'s superiors at the ASU PD. It included, inter alia:
9

10 (A) Being the target of unwarranted internal investigations in which his rights
11 under A.R.S. 38-1104 were violated, causing his stress and worry.
12

13 (B) Illegally altered his training records.
14

15 (C) Unnecessarily contacting him at home when he was not working,
16 sometimes when he was sleeping.
17

18 (D) Being ignored and not responded to by superiors including Thompson
19 and Hardina.
20

21 16. **Cornfield** was born in 1949.

22 17. **Cornfield** was employed by the ASUPD from May 8, 1995 until July 2,
23 2015.
24
25
26

1 18. **Cornfield** retired on July 2, 2015 because he was constructively
2 discharged based upon hostility at the ASU PD based upon his age, which hostility
3 was known to his supervisors. Such hostility included, inter alia:

4 (A) Being denied the use of a Segway vehicle for use on the job which use
5 was allowed for all younger officers, which made the job harder by requiring
6 unnecessary walking often in very hot weather.
7

8 (B) Being told by superiors that he should be planning for retirement when he
9 did not plan any retirement'
10

11 (C) After being off work on medical leave, after he was cleared to return to
12 work by both his treating physician and a physician designated by the ASU PD, he
13 was not allowed to return for a lengthy period which adversely affected his pay and
14 benefits.
15

16 19. Based upon his constructive discharge by the ASU PD, **Cornfield** filed a
17 timely charge of age discrimination concurrently with the United States Equal
18 Employment Opportunity Commission and the Arizona Civil Rights Division on
19 June 12, 2015, which is EEOC charge #540-2015-02212. Pursuant to A.R.S. 41-
20 1481(D), he has filed his charge of age discrimination in employment in violation of
21 the Arizona Civil Rights Act [A.R.S. 41-1463(B)(1)] within one year of his
22 constructive discharge.
23
24
25
26

1 20. In and before August, 2014, and continuing through 2015, there was an
2 internet blog which was popular among the ASU community which included many
3 comments by anonymous bloggers about public safety on the ASU campus and
4 specifically the ASU PD, some of which were critical. That website is: “the Blog”
5 <https://network23.org/theintegrityreport/>.
6

7 21. The disclosures on the blog did not violate any laws, but did include
8 criticism of public officials.
9

10 22. Thompson was very angry about the blog because it included comments
11 that were critical of the ASU PD and it appeared that some were “inside
12 information”.
13

14 23. Chief Thompson contacted the Arizona Department of Public Safety and
15 arranged for that agency to conduct an investigation to determine whether
16 **Cornfield, Linser, or Flynn** had contributed to this blog. The Flynn investigation
17 occurred in August, 2014, and the Cornfield and Linser internal investigations
18 occurred in March, 2015.
19

20 24. As the result of this investigation, the three Plaintiffs had to endure
21 unwarranted internal investigations which they reasonably believed might have
22 been criminal investigations as well and questioning which were conducted in
23 violation of their rights under A.R.S. 33-1104 and 1105. They suffered emotional
24
25
26

1 distress and worry about their jobs and reasonably believed that they were suspected
2 by Thompson of being “malcontents”.

3 25. These internal investigations had a chilling effect on these three Plaintiffs
4 rights of free speech, making them refrain from future protected speech on matters
5 of public concern about ASU and the ASU PD.
6

7 26. **Parker** was employed by the ASU PD from August 25, 2008 until January
8 20, 2014.
9

10 25. After being hired by the ASU PD, **Parker** joined a police union, the
11 University and College Law Enforcement Officers Association, which grew to have
12 approximately thirty ASU PD employees as members. He soon became vice-
13 president and then was elected president, a position he held for approximately four
14 years before he left the ASU PD.
15
16

17 26. In his union leadership position, **Parker** often clashed with the Chief and
18 other high ranking officers of the ASU PD, including Defendant Louis Scichilone
19 in the course of representing the interests of the union members, both collectively,
20 and as their union representative during internal investigation. On numerous
21 occasions, the Chief and supervisors made hostile statements about the union and
22 his work on its behalf and openly showed hostility to **Parker** in an effort to
23 discourage other employees either not to join the union or to resign from it.
24
25
26

1 **Parker's** union activities were constitutionally protected free speech and freedom
2 of association.

3 27. Defendant Louis Scichilone who was the Commander in charge of (and
4 custodian of) all ASU PD records, internal investigation files, and personnel records
5 for the ASU PD in 2014 when Parker left the ASU PD. He was not a union member
6 and had expressed his hostility to both **Parker** and the union on numerous
7 occasions.
8
9

10 28. After **Parker** left the ASU PD, he was hired as an investigator by the
11 Arizona Attorney General. After being hired, that new employer conducted a further
12 background check on Parker and contacted Cdr. Scichilone to find out exactly what
13 internal investigation had been done at the ASU PD on **Parker**. Cdr. Scichilone
14 responded by providing to the Attorney General's office a false report indicating
15 there had been six separate internal investigations into **Parker**, which was false
16 since there had been only four and all were minor and he was exonerated on two of
17 them.
18
19
20

21 29. As the result of this false and defamatory information from Scichilone, the
22 Attorney General ("AG") determined that **Parker** had misrepresented his work
23 history at the ASU PD. Parker eventually had to leave his job with the Attorney
24 General because of an on-the-job injury. When **Parker** left the AG's office, the
25
26

1 AG reported to AZPOST that he was not eligible for rehire because he had
2 misrepresented his past work history (number of internal investigations while
3 employed at ASU PD) when the AG had hired him. This has caused AZPOST to
4 commence decertification of **Parker** as a law enforcement officer and made him
5 unemployable in that field.
6

7 30. **Parker** did not become aware of this false report and defamation by Louis
8 Scichilone until later in 2015 when he was learned about the AZPOST
9 decertification proceeding that had been commenced.
10

11 31. Pursuant to A.R.S. 39-121 et seq., **Parker** submitted separate written
12 document inspection and copying requests to (1) the ASU Human Resources office
13 on June 16, 2015 for all ASU employees, and (2) the ASU PD (Cdr. Louis
14 Scichilone and then Chief Michael Thompson though ASU General Counsel) on
15 June 25, 2015, seeking an opportunity to inspect his personnel files and in particular
16 all records of all internal investigations by the ASU PD in which he was the subject
17 of the investigation.
18
19
20

21 32. In response to **Parker's** request to the ASU PD (Scichilone) provided only
22 some non-responsive information.
23

24 33. In response to **Parker's** request to the ASU Human Resources office, that
25 office has provided nothing at all.
26

1 34. Despite **Parker's** repeated follow up requests on his two public records
2 requests, ASU and Scichilone have failed and refused to provide the response of
3 inspection or records requested, in deliberate violation of A.R.S. 39-212 et seq.
4

5 35. These public records refusals have caused damages to **Parker** since he has
6 needed them to prove to the Attorney General that he was honest when he applied,
7 to be able to avoid de-certification as a law enforcement officer by AZPOST, and
8 to protect his reputation in the criminal justice community.
9

10 36. The actions of Scichilone alleged herein were motivated by an intent to
11 retaliate against and punish **Parker** for his union leadership at the ASU PD.
12

13 37. **Mansfield** was first employed by the ASU PD as a dispatcher, and then
14 became a police officer on March 21, 2014. He remains employed in that position at
15 the present time.
16

17 38. Chief Thompson and a majority of the supervisors at the ASU PD are, and
18 have been for years, very active members of the LDS (Mormon) church.
19

20 39. **Mansfield** had been an active member of the Mormon Church until 2009
21 when he decided to leave the Church altogether, which fact was known to
22 Thompson.
23

24 40. Prior to February 18, 2016, Mansfield had made a request to examine his
25 ASU PD personnel files.
26

1 41. On February 18, 2016, Chief Thompson made a special trip out to the ASU
2 Polytechnic campus, where **Mansfield** was working to speak to him about his
3 request to view his personnel file.

4
5 42. In that on-the-job conversation at the ASU Polytechnic campus, Chief
6 Thompson said to **Mansfield** the following:

7 A. The spirit of God had inspired him to come and speak with
8 Mansfield that day.

9
10 B. Mansfield would not be allowed to view his ASU PD employment
11 file unless he agreed that he would not hire an attorney.

12
13 C. Mansfield was asked several times whether or not he was recording
14 the conversation.

15
16 D. If Mansfield would allow the Mormon missionaries over to his home
17 to explore their lessons, in order to come closer to the one true faith, the
18 Chief (1) would hold a special meeting with Command Staff, for
19 Mansfield's sake, and tell them to stop making Mansfield their
20 "project.", and (2) any written documents would thereafter have to be
21 approved by the Chief (himself) before it would be authorized to enter
22 into Mansfield's file, and he would not allow anything into his file
23 unless it reflected well on the department
24
25
26

1 E. Mansfield could only view his employment records, but would not
2 be able to make any copies, or take pictures of anything; however,
3 Mansfield would be authorized to take notes, indicating that Thompson
4 would not comply with A.R.S. 39-121 et seq.
5

6 F. The Chief bore his testimony of the Mormon Church, “the restored
7 Gospel of Jesus Christ, and in the Prophet Joseph Smith”; and
8 encouraged Mansfield to come into the “fullness of the Gospel of Jesus
9 Christ”.
10
11

12 43. During that Chief Thompson-**Mansfield** meeting and afterwards,
13 **Mansfield** expressed no interest whatsoever in the Mormon Church or Thomson’s
14 urging him to meet with Mormon missionaries in his home. Since that time
15 Thompson has been openly hostile to **Mansfield**, and the following adverse actions
16 have occurred against Mansfield:
17
18
19

20 A. On February 24, 2016, Thompson changed a letter of instruction that
21 Mansfield had previously been issued, and upgraded it to a level one reprimand.
22

23 B. On April 30, 2016, ASU PD Sgt. Jason Latella, sent Mansfield an email telling
24 him that his performance was unacceptable, and then on May 21, 2016, Latella
25 sent a very embarrassing and unprofessional e-mail to his squad to ridicule
26

1 Mansfield.

2 C. On June 9, 2016, Mansfield was placed on a performance improvement plan
3 (PIP) based upon false and derogatory information furnished by Latella.

4
5 D. On August 6, 2016, Mansfield was placed on administrative leave and all of
6 his ASU accounts were disabled, including his student accounts, access to his tax
7 records, and other educational records.

8
9 44. **Mansfield** complained to Thompson the four events listed in the
10 preceding paragraph, but Thompson was hostile and unconcerned and took no
11 remedial action.

12
13 45. The conduct of Thompson with respect to **Mansfield** alleged herein was
14 retaliation against Mansfield for his exercise of his federal constitutional rights to
15 freedom of religion, freedom of association, and his federal right to not be subject to
16 religious discrimination in employment [42 U.S.C. 2000e-2(a)] or retaliation for
17 having exercised such right [42 U.S.C. 2000e-3(a)].

18
19
20 46. Plaintiff **Goodwin** (a non LDS church member) was fired by Chief
21 Thompson effective October 28, 2015, just two weeks after Chief Thompson had
22 asked him If he wanted to learn more about the Mormon religion and Goodwin said
23 he was not interested.
24
25
26

1 47. This conduct of Thompson with respect to **Goodwin** alleged herein was
2 retaliation against Goodwin for his exercise of his federal constitutional rights to
3 freedom of religion, freedom of association, and his federal right to not be subject to
4 religious discrimination in employment [42 U.S.C. 2000e-2(a)] or retaliation for
5 having exercised such right [42 U.S.C. 2000e-3(a)].
6

7 **3. Demand For Trial By Jury On All Matters**
8

9 The Plaintiffs demand a trial by jury pursuant to the Seventh Amendment to
10 the United States Constitution and FRCP Rule 38(a,b) on all claims and matters
11 except for Parker's claim under A.R.S. 39-121 et seq.
12

13 **4. Separate Claims and Relief Requested**

14 Based upon the foregoing, the Plaintiffs request the following relief against
15 the Defendants:
16

17 **Count One:** Age discrimination in violation of A.R.S. 41-1463(B)(1)

18 Plaintiff: Charles Cornfield

19 Defendant: ABOR

20 Relief requested:

21 1. Injunctive relief pursuant to A.R.S. 41-1481(G)

22 2. Attorneys' fees pursuant to A.R.S. 41-1481(J)

23 3. Taxable costs pursuant to 29 U.S.C. 1920, FRCP Rule 54(d)(1) and LRCiv 54.1
24

25 **Count Two:** 42 U.S.C. 1983-Retaliation for perceived exercise of free speech

26 Plaintiff: Charles Cornfield

1 Defendant: Thompson

2 Relief requested:

3 1. Prospective injunctive relief

4 2. Declaratory relief

5 3. Reasonable attorneys' fees and expert fees incurred herein pursuant to 42 U.S.C.
6 1988 (b,c), FRCP Rule 54(d)(2) and LRCiv Rule 54.2

7 4. Taxable costs pursuant to 29 U.S.C. 1920, FRCP Rule 54(d)(1) and LRCiv 54.1

8
9 **Count Three:** 42 U.S.C. 1983-Retaliation for perceived exercise of free speech

10 Plaintiff: Benjamin Robert Flynn

11 Defendant(s): Thompson

12 Relief requested:

13 1. Prospective injunctive relief

14 2. Declaratory relief

15 3. Reasonable attorneys' fees and expert fees incurred herein pursuant to 42 U.S.C.
16 1988 (b,c), FRCP Rule 54(d)(2) and LRCiv Rule 54.2

17 4. Taxable costs pursuant to 29 U.S.C. 1920, FRCP Rule 54(d)(1) and LRCiv 54.1

18
19
20 **Count Four:** 42 U.S.C. 1983-Retaliation for exercise of free speech, freedom of
21 religion, and religious discrimination retaliation

22 Plaintiff: Alexander J. Goodwin

23 Defendant: Thompson

24 Relief requested:

25 1. Prospective injunctive relief

26 2. Declaratory relief

1 3. Reasonable attorneys' fees and expert fees incurred herein pursuant to 42 U.S.C.
2 1988 (b,c), FRCP Rule 54(d)(2) and LRCiv Rule 54.2

3 4. Taxable costs pursuant to 29 U.S.C. 1920, FRCP Rule 54(d)(1) and LRCiv 54.1

4
5 **Count Five:** 42 U.S.C. 1983-Retaliation for perceived exercise of free speech

6 Plaintiff: Bernard Linser

7 Defendant: Thompson

8 Relief requested:

9 1. Prospective injunctive relief

10 2. Declaratory relief

11 3. Reasonable attorneys' fees and expert fees incurred herein pursuant to 42 U.S.C.
12 1988 (b,c), FRCP Rule 54(d)(2) and LRCiv Rule 54.2

13 4. Taxable costs pursuant to 29 U.S.C. 1920, FRCP Rule 54(d)(1) and LRCiv 54.1

14
15 **Count Six:** 42 U.S.C. 1983-Retaliation for exercise of free speech, freedom of
16 religion, and religious discrimination retaliation

17 Plaintiff: Matthew Mansfield

18 Defendant: Thompson

19 Relief requested:

20 1. Prospective injunctive relief

21 2. Declaratory relief

22 3. Reasonable attorneys' fees and expert fees incurred herein pursuant to 42 U.S.C.
23 1988 (b,c), FRCP Rule 54(d)(2) and LRCiv Rule 54.2

24 4. Taxable costs pursuant to 29 U.S.C. 1920, FRCP Rule 54(d)(1) and LRCiv 54.1

25
26 **Count Seven:** 42 U.S.C. 1983-Retaliation for exercise of right to free speech

1 Plaintiff: Patrick Murphy

2 Defendants: Thompson and Hardina

3 1. Prospective injunctive relief

4 2. Declaratory relief

5 3. Reasonable attorneys' fees and expert fees incurred herein pursuant to 42 U.S.C.
6 1988 (b,c), FRCP Rule 54(d)(2) and LRCiv Rule 54.2

7 4. Taxable costs pursuant to 29 U.S.C. 1920, FRCP Rule 54(d)(1) and LRCiv 54.1

8
9 **Count Eight:** Disability discrimination in violation of the Rehabilitation Act, 29
10 U.S.C. 794 and 794a

11 Plaintiff: William J. O'Hayer

12 Defendant: ABOR

13 Relief requested:

14 1. Compensatory damages and general damages

15 2. Injunctive relief as authorized by 29 U.S.C. 794a(a)(2)

16 3. Reasonable attorneys' fees incurred herein pursuant to 29 U.S.C. 794a(b), FRCP
17 Rule 54(d)(2) and LRCiv Rule 54.2

18 4. Taxable costs pursuant to 29 U.S.C. 1920, FRCP Rule 54(d)(1) and LRCiv 54.1

19
20 **Count Nine:** 42 U.S.C. 1983-Retaliation for perceived exercise of free speech and
21 freedom of association (police union leadership)

22 Plaintiff: Matthew V. Parker

23 Defendants: Scichilone, Thompson

24 Relief requested:

25 1. Prospective injunctive relief

26 2. Declaratory relief

1 3. Reasonable attorneys' fees and expert fees incurred herein pursuant to 42 U.S.C.
2 1988 (b,c), FRCP Rule 54(d)(2) and LRCiv Rule 54.2

3 4. Taxable costs pursuant to 29 U.S.C. 1920, FRCP Rule 54(d)(1) and LRCiv 54.1

4
5 **Count Ten:** Violation of Arizona Public Records Act, A.R.S. 39-121 et seq.

6 Plaintiff: Matthew V. Parker

7 Defendant: ABOR

8 Relief requested:

9 1. Production of all records sought as injunctive or special action relief

10 2. Damages pursuant to A.R.S. 39-121.02(C).

11 3. Attorneys' fees and legal costs pursuant to A.R.S. 39-121.02(B)

12 4. Taxable costs pursuant to 29 U.S.C. 1920, FRCP Rule 54(d)(1) and LRCiv 54.1

13
14
15
16
17 Dated this 25th day of August, 2016.

18
19 LAW OFFICES OF DAVID W. DOW

20
21 By: /s/ David W. Dow
David W. Dow

22
23 Original e-filed this 25th day of August, 2016.

24 **CERTIFICATE OF SERVICE**

25 I hereby certify that on August 25, 2016, I electronically transmitted the attached

1 document to the Clerk's Office using the CM/ECF System for filing. I further certify
2 that on August 26, 2016, I will serve this pleading by regular mail on the opposing
3 counsel:

4 Daniel Dowd
5 Cohen Kennedy Dowd & Quigley, P.C.
6 The Camelback Esplanade I
7 2425 East Camelback Road, Suite 1100
8 Phoenix, Arizona 85016

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
By: */s/ David W. Dow*